

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

RUDY PHIL JAQUEZ,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-18-1032-HE
	)	
P.D. TAYLOR, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Rudy Phil Jaquez, proceeding *pro se*, brought this action pursuant to 42 U.S.C. § 1983, asserting violations of his constitutional rights.<sup>1</sup> On December 3, 2018, U.S. Magistrate Judge Suzanne Mitchell issued a Report and Recommendation recommending the dismissal without prejudice of plaintiff's action because plaintiff failed to follow the court's orders to cure the deficiencies in his application to proceed in forma pauperis. Plaintiff was advised of his right to object to the Report and Recommendation by December 26, 2018.

On December 12, 2018, plaintiff filed a Judicial Notice to the Courts and a Judicial Objection and Notice to Courts.<sup>2</sup> In his filings, plaintiff states that he has been trying to obtain his institutional account statement but the jail has not provided it to him, and he requests assistance from the court. On January 8, 2019, plaintiff filed an Application for Leave to Proceed in Forma Pauperis, which included a statement of his institutional

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<sup>1</sup> Plaintiff has also brought an action pursuant to 28 U.S.C. § 2254, *Jaquez v. Okla. Cty., et al.*, Case No. CIV-18-1166-HE.

<sup>2</sup> These same pleadings were filed in Case No. CIV-18-1166-HE.

accounts, in Case No. CIV-18-1166-HE. On January 9, 2019, the U.S. Magistrate Judge entered an order granting plaintiff's application to proceed in forma pauperis in Case No. CIV-18-1166-HE. On January 17, 2019, plaintiff filed a Judicial Notice for Clarification in this action. In his notice, plaintiff seeks to clarify that he intended the application to proceed in forma pauperis, which included the statement of his institutional accounts, to also apply to this case.

Because plaintiff has now submitted a proper application to proceed in forma pauperis, with all required documentation, that has been granted in a separate case, plaintiff is **GRANTED** leave to proceed in forma pauperis in this case. The Report and Recommendation [Doc. #15] is **STRICKEN AS MOOT**, and this case is **RECOMMENDED** to the U.S. Magistrate Judge for further proceedings.

**IT IS SO ORDERED.**

Dated this 23rd day of January, 2019.

  
JOE HEATON  
CHIEF U.S. DISTRICT JUDGE